

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**NORTHERN DIVISION AT KNOXVILLE**

**DWAYNE HOWELL,**

Plaintiff,

vs.

**TOWN OF OLIVER SPRINGS, CHIEF DAVID  
LAXTON, and ASSISTANT CHIEF RYAN  
WILLIAMS,**

No: 3:23-cv-00144-TRM-JEM  
Judge Travis R. McDonough  
Magistrate Judge Hill E. McCook

Defendants.

**DEFENDANT RYAN WILLIAMS RESPONSE TO THE COURT'S ORDER [DOC 40]**

Comes now, Ryan Williams, by and through counsel, to respond to the Court's Order [Doc 40] and would advise the Court of the following:

1. Counsel for Defendant Ryan Williams received the Court Order on or about January 9/10<sup>th</sup>, 2024. On January 11, 2024, counsel traveled out of the State of Tennessee for a prearranged short vacation and was scheduled to return on January 16, 2024. Due to the inclement weather, counsel's flight back to Knoxville, Tennessee was canceled. On January 17, 2024, the only flight accommodations available to counsel through American Airlines was to be misdirected to Philadelphia, Pennsylvania and then directed to Knoxville, Tennessee arriving back after 7:00 p.m. on January 17, 2024. On January 18, 2024, counsel was in Monroe County Circuit Court for a criminal matter.

2. One of the issues raised by the Plaintiff is that Defendant Williams, who was Assistant Chief for the Town of Oliver Springs Police Department, had left his jurisdiction of Oliver Springs to come to Clinton Middle School in Anderson County, Tennessee. The

Plaintiff further alleges that he was stopped by Defendant Williams in close proximity to Clinton Middle School and inquired about Plaintiff's son assaulting Defendant William's son at the school. Defendant Williams acknowledges that he had received a call from his son and was told that he had been assaulted and had lost consciousness. When Defendant Williams reached the school, he observed the Plaintiff leaving the school with what appeared to be his son. Defendant Williams did not know these individuals and called his son to get a description of the young man who assaulted him. The description given by his son matched the description of the young man leaving with the adult. Defendant Williams got in his patrol car, followed the Plaintiff, and turned on his blue lights to stop him in order to inquire about the events that took place at the middle school between the Plaintiff's son. At that time, Defendant Williams was unsure if law enforcement had been notified. In the Defendant's Answer to the Complaint [Doc 14], at paragraph 47, "Defendant Williams believed that he had the right and obligation of a police officer and under Tenn. Code Ann. §40-7-109 Arrest by Private Citizen – Grounds a.) A private citizen may arrest another...b.) when a felony has been committed, and the arresting person has reasonable cause to believe that the person arrested committed the felony." Mr. Howell and his son leaving the scene of the crime even though it was outside the jurisdiction of Oliver Springs. Previously, Defendant Williams had pursued an alleged perpetrator of a crime, made a stop and then contacted the Anderson County Sheriff's Department in order for the law enforcement agency to investigate this crime." In that prior case, involving the defendant named Rodney Loy, Ryan Spitzer, formally Assistant District Attorney in Anderson County and now Criminal Court Judge for Anderson County, Tennessee, advised Defendant Williams that the stop was allowable under the Tennessee law for private citizens to make such a stop and Defendant Williams was allowed to pursue the prosecution of

the case which resulted in Rodney Loy to pled for the offenses that arose as a result of the stop by Defendant Williams even though he was outside his jurisdiction at the time of the stop and ultimate arrest.

3. Defendant Williams has advised Plaintiff's counsel that he intends to call either Ryan Spitzer or other members of the District Attorney General for Anderson County's office as fact witnesses to show the facts that constitute Defendant William's belief that he had a lawful basis to make such a stop on the Plaintiff Howell's vehicle which is the subject of this lawsuit. It is the defense counsel's position that these witnesses would be fact witnesses and not expert witnesses. Counsel for Defendant Williams intends to subpoena these fact witnesses and the Circuit Court clerk's records reflecting the arrest and judgments against Rodney Loy (which have previously been furnished to Plaintiff's counsel).

4. Counsel for Defendant Williams has furnished to Plaintiff's counsel a copy of the Anderson County Circuit Court records of Rodney Loy's arrest and judgments bearing Docket Numbers 20G50404.

5. Counsel for Defendant has also furnished to the Plaintiff's counsel a copy of a medical record from Children's Clinic in Oak Ridge for the injuries Conner Williams received from Mr. Howell's son as result of the aggravated assault through the answers to interrogatories in this case. We intend to issue a subpoena for that record.

6. Counsel for Defendant listed the following witnesses in his final witness list: [Doc 26] David Clark, District Attorney General #6 I.D. #254; Judge Ryan Spitzer #12 page I.D. #254; Circuit Court Clerk Rex Lynch or Custodian of Records for Circuit Court for Anderson county #13 page I.D. #254; Custodian of Records for Childrens Clinic of Oak Ridge #22 page I.D. #254.



7. Defendant Williams does not intend to offer any expert testimony but does intend to call these fact witnesses as set out herein above.

Respectfully submitted this 19th day of January, 2024.

By: /s/Charles C. Burks, Jr.  
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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that forgoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic receipt this 19<sup>th</sup> day of January, 2024.

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